

Notice of Allowability

Application No.

09/921,276

Examiner

Thu Ha T. Nguyen

Applicant(s)

CERAMI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed 01/24/05.
2. ☐ The allowed claim(s) is/are _____.
3. ☒ The drawings filed on 01 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/20/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

SALEH NAJJAR
PRIMARY EXAMINER

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Applicants' Representative, Mr. Brian N. Young (Reg. No. 48,602), on June 08, 2005.

3. The application has been amended as follow:

In the claims:

4. Claims 7-8 and 24-25 are cancelled without prejudice.

5. Claims 1, 9, 10, 18, 22-23 and 26 are amended as following:

Claim 1:

1. (Currently Amended) A method for managing [a plurality of] failures in a video and data network comprising:

discovering a failure in the video and data network, wherein the failure is a root cause;

after discovering the root cause failure, correlating the root cause failure with [the plurality of] one or more failures to determine related failures that are generated as a result of the root cause failure;

determining one or more customers using the video and data network affected by the root cause failure;

wherein determining one or more customers affected by the failure comprises
using customer data to correlate the one or more customers to the failure;

suppressing the related failures;
determining if the root cause failure is automatically resolvable; and
if the root cause failure is automatically resolvable, resolving the root cause
failure, wherein resolving the root cause failure resolves the related failures.

Claim 9:

9. (Currently amended) The method of claim [7] 1, further comprising
notifying the one or more {user's} customers affected by the failure.

Claim 10:

10. (Currently amended) The method of claim [7] 1, further comprising
opening a repair ticket in one or more records of the one or more [user's] customers
affected by the failure.

Claim 18:

18. (Currently amended) A method for managing alarms in a video and
data network comprising:

receiving an alarm from a network element in the video and data network;
determining if the alarm is a root cause alarm;
if the alarm is not a root cause alarm, determining the root cause alarm, the root

cause alarm being a root cause of the alarm;

correlating the root cause alarm with one or more alarms to determine related alarms generated as a result of the root cause alarm;

determining one or more customers receiving services from the video and data network that are affected by the root cause alarm;

wherein determining one or more customers affected by the alarm comprises using customer data to correlate the one or more customers to the alarm;

determining if the root cause [failure] alarm is automatically resolvable; and
if the root cause [failure] alarm is automatically resolvable, resolving the root cause [failure] alarm, wherein the resolution resolves any alarms affecting the one or more customers receiving services from the video and data network, wherein the one or more alarms are resolved by resolving the root cause alarm.

Claim 19:

6. 19. (Currently amended) A telecommunications device for managing failures in a video and data network, the telecommunications device comprising:

logic to discover a failure in the video and data network, wherein the failure is a root cause

after discovering the root cause failure, logic to correlate the root cause failure with one or more failures to determine related failures that are generated as a result of the root cause failure;

logic to determine one or more customers using the video and data network affected by the root cause failure;

wherein logic to determine one or more customers affected by the failure comprises logic to use customer data to correlate the one or more customers to the failure;

logic to suppress the related failures;

logic to determine if the root cause failure is automatically resolvable; and

if the root cause failure is automatically resolvable, logic to resolve the root cause failure, wherein resolving the root cause failure resolves the related failures.

Claim 22:

22. (Currently amended) The telecommunications device of claim 19, further comprising [creating] logic to create a repair ticket for the root cause failure.

Claim 23:

23. (Currently amended) The telecommunications device of claim 19, wherein [correlating] logic to correlate the failure comprises:

logic to interact [interacting] with a physical network transport inventory; and

logic to determine [determining] upstream and downstream physical network elements from the failures.

Claim 26:

26. (Currently amended) The [method] telecommunications device of claim [24] 19, further comprising logic to notify [notifying] the one or more [user's] customers affected by the failure.

Reasons for Allowance

7. Claims 1-6, 9-23, and 26 are allowed.

8. Claims 7-8 and 24-25 are cancelled.

The following is an examiner's statement of reasons for allowance: None of prior art of record teach the combination limitations as claimed (see applicant's remarks filed on January 24, 2005 with respect to claim limitations point out the reason claims are patentable over the prior art of record). Among the differences between claimed invention and the prior art of record, the major difference is the combination of: a method and system for receiving failures in the video and data network; determining if a failure is a root cause failure; if the failure is not a root cause failure, determining the root cause failure; correlating the root cause failure with one or more failures to determine related failures generated as a result of the root cause failure; determining one or more customers receiving services from the video and data network that are affected by the root cause failure; wherein determining one or more customers affected by the failure comprises using customer data to correlate the one or more customers to the failure; determining if the root cause failure is automatically resolvable; and resolving the root cause failure, wherein the resolution resolves any failures affecting the one or more customers receiving services from the video and data network, wherein the one or more failures are resolved by resolving the root cause failure are novel thus

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the invention is patentable.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Etienne Ario, can be reached at (571) 272-4001.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ThuHa Nguyen

June 10, 2005



SALEH NAJJAR
PRIMARY EXAMINER